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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 59/188 in which the Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixtieth session, highlighting the practical and preventive measures in that respect.

The report summarizes substantive replies received from the Governments of Azerbaijan, Cuba, Georgia, Iraq and Lebanon in response to a request for information sent pursuant to the resolution.

* Reissued for technical reasons.
** The present document was submitted late in order to include the maximum number of replies from Governments.

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I. Introduction

1. In paragraph 9 of its resolution 59/188 of 20 December 2004, the General Assembly requested the Secretary-General to bring the resolution to the attention of all Member States, to continue collecting their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixtieth session, highlighting the practical and preventive measures in that respect.

2. On 1 June 2005, in accordance with the resolution, the Office of the High Commissioner for Human Rights (OHCHR) sent a request to all permanent missions to the United Nations bringing the resolution to the attention of Member States and seeking their views. As of 13 August 2005, OHCHR had received responses from the Governments of Azerbaijan, Cuba, Georgia, Iraq, Lebanon, Mauritius and Mexico. This report contains summaries of the substantive replies received.

II. Information received from Member States

Azerbaijan

[3 August 2005]
[Original: Russian]

1. The Government of Azerbaijan stated that the present report should reflect the violations of rights and freedoms of the citizens of the Republic of Azerbaijan who used to live in the 20 per cent of the territory of Azerbaijan occupied by Armenia, as well as the presence of about 1 million refugees forced to leave their permanent residences due to armed aggression by Armenian military groups.

2. As a result of the armed conflict, the Nakhichevan Autonomous Republic has been under blockade and is linked to the rest of the country only by air. Thus, the process of comprehensive economic and social development of the autonomy has been difficult, which further violates the rights of citizens.

3. Moreover, the continuous terrorist attacks against infrastructure, in particular oil and gas facilities which channel energy sources from the Russian Federation to Azerbaijan, frequently cause problems with gas, electricity, heating and water supply to the population, including to hospitals, kindergartens, refugee camps and other social institutions.

4. In the area in the vicinity of the line of contact of armed formations, the right to freedom of movement is violated as well as the smooth running of transborder trade and activities of private and commercial enterprises.

5. Landmines and remains of unexploded ordnance are still widely spread on the territory affected by the armed conflict and the populations living in these areas face problems in conducting agricultural activities, cattle-breeding as well as cross-border trade.

Cuba

[9 August 2005]
[Original: Spanish]

1. In its response, the Government of Cuba stressed the particular attention it attaches to the consideration of this item by the General Assembly and the Commission on Human Rights, as it is the people of the developing countries who are the victims of unilateral coercive measures imposed on them by some developed countries, in particular the United States of America.

2. The application of unilateral coercive measures as a means of political and economic pressure represents an attack on the independence, sovereignty and the right to self-determination of peoples. The primary victims of these measures are the most vulnerable groups of the population — children, women, the elderly and disabled persons.

3. For 46 years the application of unilateral coercive measures has been a key tool of hostile and aggressive policy by the United States of America towards Cuba, aimed at destroying the political, economic and social system established by the sovereign will of the Cuban people. Its objective is the destruction of the Cuban revolution. The Government of the United States has adopted and applied various unilateral coercive laws and measures against Cuba. The best known — which have been rejected internationally — are the Torricelli Act of 1992 and the Helms-Burton Act of 1996, which are contrary to the Charter of the United Nations, as well as to the agreements of the World Trade Organization.

4. More than 70 per cent of Cubans were born and live under the unilateral coercive measures applied by the United States. The direct damage caused by the implementation of these measures is estimated to exceed US$ 82 billion, i.e. US$ 1,782,000,000 per year. As for 2005, the cost so far has exceeded US$ 2,670 million.

5. Additional measures, recommended in the report "Commission for Assistance to a Free Cuba", entered into force on 30 June 2004, and as many as 12 additional coercive measures were imposed during the second half of 2004 and the first part of 2005. This includes the imposition of sanctions on hundreds of citizens and residents of the United States as well as specific corporations and institutions. The examples cited by the Government of Cuba represent only part of the unprecedented increase in hostile statements and actions by the Government of the United States between 2003 and 2005.

6. Unfounded references to human rights violations in Cuba aim to provide excuses for hostility and eventual aggression. It is inadmissible that the Government of the United States should ignore 13 years of General Assembly resolutions by continuing to adopt laws and measures to strengthen the embargo. The Government of Cuba has a sovereign right to denounce the harm that the embargo causes to its people, to the people of the United States, to third countries and to international law.

Georgia

[7 July 2005]
[Original: English]

The National Security Council of Georgia stated that the policy carried out by Georgia complies with General Assembly resolution 59/188 underlining that the application of unilateral coercive measures as a method of economic pressure is unacceptable. Being a country in transition, Georgia pays particular attention to the protection of State sovereignty and development as well as the protection of economic, social and cultural rights. It further stated that unilateral coercive measures, when applied, violate first the human rights of the most vulnerable groups such as women and children.

Iraq

[11 July 2005]
[Original: Arabic]

The Government of Iraq said that the use of unilateral coercive measures is not only against the principles of the Charter of the United Nations and norms of public international law, but also against principles regulating relations between States. Use of such measures could affect, in particular, the enjoyment of the economic rights of women and children. Moreover, it considered it a necessity to establish a specialized committee to follow up national legislation and prepare recommendations in that regard.

Lebanon

[25 July 2005]
[Original: Arabic]

The Government of Lebanon strongly condemned the use of unilateral coercive measures, underlining that by refraining from exercising these types of measures, the overall enjoyment of social and economic rights could be attained. It further encouraged the adoption of appropriate legal and administrative measures in order to confront the consequences of unilateral coercive measures that transcend regional barriers.